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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,421	04/20/2004	Scott David Thomas	GP-303981	5373

7590

08/14/2006

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EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,421

Applicant(s)

THOMAS ET AL.

Examiner

Barry J. Gooden Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 12-14 and 17-27 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 11, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawing Objections

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "wherein said airbag module is characterized by the absence of additional attachment mechanisms" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-5, 7, 10, 12, 13, 17-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Vendely et al., US Patent 6,029,992.

In regard to claims 1-5, 7, 10, 12, 13, 17-26, Vendely et al. discloses all of the claimed elements including an airbag module comprising:

an inner plate (70);

a base plate (30) attachable to the inner plate;

a cover (40);

an inflatable cushion (80), the inner plate being receivable within the cushion, the cushion and the inner plate being receivable within the cover, containing the cushion, prior to inflation thereof; and

a portion of the cushion and a portion of the cover abutting one another and being sandwiched directly between the inner plate and the base plate such that the portion of the cover is retained between the base plate and the inner plate (reference is made to Figure 7);

the cushion, the cover, the inner plate and the base plate being retained to one another when the cushion is inflated;

further comprising a fastener element (110, 100) adapted to extend through the inner plate, the cushion and the base plate, thereby attaching the inner plate and the base plate;

further comprising an inflator (90), the inflator having a mounting flange (96) the fastener element being adapted to further extend through the mounting flange, thereby attaching the inflator with the cushion, the inner plate, the base plate and the cover;

wherein the cushion, the inner plate, the base plate and the inflator are each formed with an alignable fastener element opening adapted to receive the fastener element through the opening when the fastener element openings are aligned;

wherein the cushion, the inner plate and the base plate are each formed with an alignable inflator opening adapted to receive a portion of the inflator, wherein the mounting flange of the inflator abuts and is sandwiched between the cushion and the base plate when the inflator is received within the aligned inflator openings and is attached with the cushion, the inner plate and the base plate by the fastener element;

further comprising a viscous damping element (36) operable to isolate the inflator so that the inflator can function as a mass damper;

wherein the fastener element comprises a protrusion extending through the inner plate, the cushion and the base plate, wherein the fastener element further comprises a retaining element (125), the protrusion being secured by the retaining element to attach the inner plate, the cushion, the base plate and the cover together;

wherein one of the retaining element and the portion of the airbag module is comprised of a deformable material, and wherein the one of the retaining element and the portion of the airbag module deforms such that the protrusion is secured by the retaining element;

wherein the fastener element comprises a threaded stud pressed into the inner plate;

wherein the cover includes a cover extension (42) having an inwardly-jutting flange portion, the cover extension being matable with the base plate such that the flange portion abuts and is cupped by the base plate and the cushion abuts and is disposed between the inner plate and the cover extension;

wherein the base plate forms a segmented channel, wherein the flange portion has opposing inner and outer surfaces, and wherein the channel abuts the outer surface of the flange portion and the portion of the cushion is sandwiched between the inner plate and the inner surface of the flange portion when the cover extension is mated with the base plate (reference is made to Figure 7);

wherein the inner plate includes a peripheral wall having an outer surface, wherein the cover extension includes a shoulder portion (47), the flange portion jutting inward from the shoulder portion, the portion of the cushion being further sandwiched between the peripheral wall and the shoulder portion;

wherein the base plate is a unitary structure;

wherein the portion of the cover is cupped by the base plate.

In regard to claims 23-26, Vendely et al. discloses a structure meeting the method limitations of the claims.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vendely et al. in view of Nash et al., US Publication 2005/0179236 A1.

In regard to Claim 6, Vendely et al. disclosed all of the claimed elements as detailed above except the mounting flange of the inflator abutting an outer surface of the base plate.

Nash et al. discloses a mounting flange (50) of an inflator (24) abutting an outer surface of a base plate (66) (Reference is made to Figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting flange of Vendely et al. in view of the mounting flange of Nash et al. to include abutting the base plate so as to provide a secure connection between the mounting flange and the base plate.

6. Claims 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vendely et al. in view of Varcus et al., US Publication 2001/0048216 A1.

In regards to claims 14 and 27, Vendely et al. discloses all of the claimed elements excluding a deformable tab.

Varcus et al. discloses a fastener element comprising a deformable tab (48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastening element of Vendely et al. in view of the fastening element of Nash et al. to include comprising a deformable tab so as to provide a means of connection between the inner plate, cushion and the base plate so as to facilitate ease of installation.

Allowable Subject Matter

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7. Claims 8, 9, 11, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

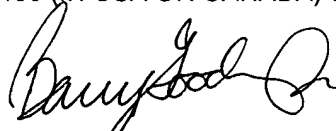
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 8/7/06
Barry J. Gooden Jr.
Examiner
Art Unit 3616

BJG


ERIC CULBRETH
PRIMARY EXAMINER